

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on March 27, 2009 at 9:17
A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 536, HB 628, 3/19/2009

Executive Action: HB 536-Failed, Tie Vote, HB 628-Be
Concurred in As Amended

HEARING ON HB 628

Opening Statement by Sponsor:

00:01:02 Rep. Ron Stoker (R), HD 87, opened the hearing on HB 628, Careless and reckless driving resulting in death.

Proponents' Testimony:

00:04:38 Pat Tucker, mother of Cady Tucker

EXHIBIT(jus68a01)

00:12:43 Jamie Tucker-Robbins, cousin of Cady Tucker

00:14:58 Barbara Tucker, aunt of Cady Tucker

00:19:32 Dr. Dale Robins, uncle of Cady Tucker

00:20:22 Bob Starr, father of Cady Tucker

00:21:43 Ronda Dover, mother of James Neumayer; grandmother of Kaitlyn Neumayer

00:25:13 Bob Cushman, driver of vehicle of Cady Tucker;
University of Montana School of Journalism;
photographer

00:27:17 Brent Linneweber, Park County Attorney; Montana County Attorneys Association

00:32:32 Brant Light, Assistant Attorney General, Department of Justice

00:32:56 David Carter, Deputy County Attorney, Yellowstone County

00:37:07 Merle Raph, Toole County Attorney; President, Montana County Attorneys Association

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:40:24 Sen. Laslovich

00:41:15 Mr. Carter

00:45:46 Sen. Laslovich

00:46:25 Rep. Stoker

00:48:06 Sen. McGee

00:48:52 Ms. P. Tucker

00:53:51 Sen. Hinkle

00:55:06 Mr. Light

00:57:07 Sen. Moss
00:57:21 Ms. B. Tucker
01:01:24 Sen. Juneau
01:02:38 Mr. Light
01:05:42 Sen. Perry
01:06:09 Mr. Light
01:07:13 Sen. Perry
01:07:38 Rep. Stoker

Closing by Sponsor:

01:10:02 Rep. Stoker

01:13:01 break

HEARING ON HB 536

Opening Statement by Sponsor:

01:25:12 Rep. Sue Malek (D), HD 98, opened the hearing on HB
536, Revise interlock ignition device requirements.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:29:26 Sen. Laslovich
01:30:13 Rep. Malek
01:31:30 Sen. McGee
01:32:05 Rep. Malek
01:34:09 Sen. Hinkle
01:34:50 Rep. Malek
01:36:27 Sen. Perry
01:37:59 Valencia Lane, Legislative Services Division
01:38:52 Rep. Malek

Closing by Sponsor:

01:40:10 Rep. Malek

01:41:09 Sen. Shockley

Sub-Committee Report for HB 228:

01:41:40 Sen. McGee

[EXHIBIT\(jus68a02\)](#)

[EXHIBIT\(jus68a03\)](#)

02:00:50 Sen. Perry

02:01:13 Sen. Laslovich

02:02:30 Sen. McGee

02:02:54 break

**Distributed to the Committee members regarding HB 228 heard,
3/17/09:**

[EXHIBIT\(jus68a04\)](#)

[EXHIBIT\(jus68a05\)](#)

EXECUTIVE ACTION ON HB 536

02:10:57 **Motion:** Sen. Shockley moved that **HB 536 BE CONCURRED
IN.**

02:11:09 **Motion:** Sen. Perry moved that **HB 536 BE AMENDED.**
[EXHIBIT\(jus68a06\)](#)

Discussion:

02:13:12 Sen. Laslovich

02:13:42 Sen. Shockley

02:13:59 Ms. Lane

02:16:07 Sen. Shockley

02:16:38 Sen. Perry

02:17:58 Sen. McGee

02:18:39 Sen. Larsen

02:19:18 Sen. Laslovich

02:21:17 Sen. Perry

02:21:40 Sen. Juneau

02:22:11 Ms. Lane

02:22:28 Sen. Juneau
 02:23:03 Sen. Perry
 02:23:58 Sen. Esp
 02:24:47 Sen. Shockley
 02:25:08 Sen. Perry

02:26:09 **Vote:** Motion that **HB 536 BE AMENDED** carried 9-3 by voice vote with Sen. Esp, Sen. Juneau, and Sen. Murphy voting no.

(Sen. Esp absent from room)

02:26:38 **Motion:** Sen. Shockley moved that **HB 536 BE CONCURRED IN AS AMENDED.**

02:26:43 Sen. McGee
 02:26:52 Sen. Larsen
 02:27:07 Ms. Lane
 02:27:56 Sen. Shockley
 02:28:11 Sen. Jent
 02:29:06 Sen. Laslovich
 02:30:39 Sen. Moss
 02:31:18 Sen. Perry
 02:31:46 Sen. Shockley
 02:31:54 Sen. Juneau
 02:32:28 Sen. Shockley
 02:33:24 Sen. McGee
 02:35:05 Sen. Hinkle
 02:36:11 Sen. Perry
 02:36:27 Sen. Larsen
 02:37:05 Sen. Perry

02:37:46 **Vote:** Motion that **HB 536 BE CONCURRED IN AS AMENDED** failed 6-6 by roll call vote with Sen. Esp, Sen. Larsen, Sen. Laslovich, Sen. Moss, Sen. Perry, and Sen. Shockley voting aye. Sen. Esp voted by proxy.

EXECUTIVE ACTION ON HB 628

02:39:07 **Motion:** Sen. Shockley moved that **HB 628 BE CONCURRED IN.**

02:39:31 **Motion:** Sen. Laslovich moved that **HB 628 BE AMENDED.**
[**EXHIBIT\(jus68a07\)**](#)

Discussion:

02:41:27 Sen. McGee

02:41:42 **Vote:** Motion that **HB 628 BE AMENDED** carried unanimously by voice vote. Sen. Esp voted by proxy.

02:41:54 **Motion:** Sen. McGee moved that **HB 628 BE CONCURRED IN AS AMENDED.**

Discussion:

02:42:02 Sen. Murphy

02:42:59 Sen. McGee

02:43:37 Sen. Jent

02:45:03 Sen. Shockley

02:45:53 Sen. Jent

02:48:21 Sen. Larsen

02:49:46 Sen. Juneau

02:50:53 Sen. Hinkle

02:51:44 **Motion:** Sen. Laslovich moved that **HB 628 BE AMENDED WITH A CONCEPTUAL AMENDMENT TO STRIKE ALL LANGUAGE AFTER SECTION 1 AND CHANGE THE TITLE ACCORDINGLY. On PAGE 3, LINE 1 and LINE 3, TAKE OUT "TO REFERENCES 61-8-301 AND 61-8-302".**

(Sen. Esp returned to room)

Discussion:

02:53:10 Sen. McGee

02:54:12 Sen. Perry

02:54:46 Sen. Murphy

02:56:08 **Vote:** Motion that **HB 628 BE AMENDED WITH A CONCEPTUAL AMENDMENT** carried 8-4 by roll call vote with Sen. Curtiss, Sen. Esp, Sen. McGee, and Sen. Perry voting no.

02:56:11 **Motion/Vote:** Sen. Laslovich moved that **HB 628 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by roll call vote. Sen. Laslovich will carry HB 628 on the Senate floor.

ADJOURNMENT

Adjournment: 12:10 P.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus68aad.pdf](#))